REMARKS

The present application has been reviewed in light of the Office Action dated April 22, 2003. Claims 1-39 and 62-67 are presented for examination, of which Claims 1, 20, 39, 62, and 65 are in independent form. Claims 40-61 have been cancelled, without prejudice or disclaimer of subject matter, and new Claims 62-67 have been added to provide Applicant with a more complete scope of protection. Claims 1-3, 6-11, 13-16, 18-22, 25-30, 32-35, and 37-39 have been amended as to formal matters and/or to define Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action indicates that Claims 1, 13, 20, 39, and 61 are objected to, because of certain informalities. Applicant has carefully reviewed and amended Claims 1, 13, 20, and 39, as deemed necessary, with special attention to the points raised in section 3 of the Office Action. (The objection to Claim 61 has been rendered moot by the cancellation of that claim.) Applicant submits that the informalities have been corrected, and therefore respectfully requests withdrawal of the objections.

The Office Action states that Claims 1-61 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,249,835 (Isoda). Cancellation of Claims 40-61 renders their rejections moot. Applicant submits that independent Claims 1, 20, 39, 62, and 65, together with the claims dependent thereon, are patentably distinct from Isoda for at least the following reasons.

An aspect of the present invention set forth in Claim 1 is directed to a data transfer apparatus for transferring data to a device. The apparatus includes bandwidth calculation

means, first and second channel ensuring means, and transfer means. The band width calculation means calculates a band width based on a performance of a predetermined device among a plurality of devices. The first channel ensuring means ensures a channel having the calculated band width. If a destination of a data transfer is set to the predetermined device, the transfer means transfers data to the predetermined device using the channel ensured by the first channel ensuring means. If the destination of the data transfer is not set to the predetermined device, the second channel ensuring means ensures a channel corresponding to the data transfer.

Support for the features of Claim 1 is set forth in the specification and the drawings as follows: the band width calculation means is disclosed in Fig. 1, Fig. 30, and on page 50, line 16, of the specification; the first channel ensuring means is disclosed in Fig. 31, and on page 52, line 20, of the specification; the transfer means is disclosed in Fig. 31, and on page 53, line 7, of the specification; and the second channel ensuring means is disclosed in Fig. 31, and on page 53, line 16, of the specification.

One of the notable features of Claim 1 is that the data transfer apparatus is able to ensure in advance a channel necessary for a data transfer to the predetermined device. Data is transferred to the predetermined device using the ensured channel only if the destination of the data transfer is set to the predetermined device. If, however, the destination of the data transfer is not set to the predetermined device, then another channel corresponding to the data transfer is ensured. By virtue of this feature, the data may be transferred smoothly and with certainty to the predetermined device using a channel ensured in advance according to a band width calculated for the predetermined device.

Isoda relates to an information processing apparatus for transferring data to a printer. In the Office Action it is alleged that Isoda discloses an apparatus for transferring data to a device, wherein the apparatus comprises means for calculating a band width, and means for ensuring a channel and transferring data to the device. However, nothing in Isoda is believed to teach or suggest a data transfer apparatus that includes "band width calculation means for calculating a band width based on a performance of a predetermined device among a plurality of devices," and "first channel ensuring means for ensuring a channel having the band width calculated by the band width calculation means," and "transfer means for transferring data to the predetermined device using the channel ensured by the first channel ensuring means, if a destination of a data transfer is set to the predetermined device," and "second channel ensuring means for ensuring a channel corresponding to the data transfer, if the destination of the data transfer is not set to the predetermined device," as recited in Claim 1.

According to the data transfer apparatus of Claim 1, a band width necessary for a data transfer to a predetermined device among a plurality of devices is calculated based on a performance of the predetermined device. Then, a channel with the calculated band width is ensured. That is, a channel suitable for the calculated bandwidth corresponding to the predetermined device is ensured. As a result, a channel with the necessary band width for the data transfer to the predetermined device is ensured with certainty in advance. Also, if a destination of a data transfer is set to the predetermined device, data may be transferred with certainty to the predetermined device using the channel ensured in advance. If the destination of the data transfer is not set to the predetermined device, then another channel is ensured and the

data is transferred to the other device using the other channel.

Unlike the data transfer apparatus of Claim 1, Isoda has a user select a printer to be transferred data (S502), information on an unused band width is checked (S511), a bandwidth is obtained based on a maximum operating speed of a printer engine (S516, S517) so as to operate the printer engine in the unused band width (S513-S515). That is, the Isoda apparatus does not necessarily ensure a channel suitable for transferring data to a predetermined device, based on a calculated bandwidth.

As above-mentioned, a notable feature of Claim 1 is that the apparatus is able to transfer data to a device using a suitable channel for transferring the data, because the channel is ensured in advance. The Isoda apparatus does not provide such a feature, and Applicant respectfully submits that one of ordinary skill in the relevant art would find no suggestion in Isoda to modify the Isoda apparatus to include the notable feature of Claim 1 discussed above.

Accordingly, Applicant submits that Claim 1 is not anticipated by Isoda and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claims 20, 39, 62, and 65 include a feature similar to that discussed above, in which a channel for transferring data is ensured in advance according to a predetermined condition, and in which the data is transferred to a device using the ensured channel if the device is set as the data transfer destination. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

The other claims in this application depend from one or another of the independent claims discussed above, and therefore are submitted to be patentable for at least the

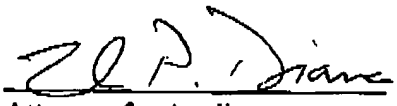
same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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